health standards shall be considered to be also variances under the Construction Safety Act. Any variance from a construction safety or health standard which is contained in this part and which is incorporated by reference in part 1910 of this title shall be deemed a variance from the standard under both the Construction Safety Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

### §1926.3 Inspections—right of entry.

(a) It shall be a condition of each contract which is subject to section 107 of the Contract Work Hours and Safety Standards Act that the Secretary of Labor or any authorized representative of contract performance for the following purposes:

(1) To inspect or investigate the matter of compliance with the safety and health standards contained in subpart C of this part and following subparts; and

(2) To carry out the duties of the Secretary under section 107(b) of the Act.

(b) For the purpose of carrying out his investigative duties under the Act, the Secretary of Labor may, by agreement, use with or without reimbursement the services, personnel, and facilities of any State or Federal agency. Any agreements with States under this section shall be similar to those provided for under the Walsh-Healey Public Contracts Act under 41 CFR part 50-

# §1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

(a) The rules of practice for administrative adjudications for the enforcement of the safety and health standards contained in subpart C of this part and the following subparts shall be the same as those published in part 6 of this title with respect to safety and health violations of the Service Contract Act of 1965 (69 Stat. 1035), except as provided in paragraph (b) of this section.

(b) In the case of debarment, the findings required by section 107(d) of the Act shall be made by the hearing examiner or the Assistant Secretary of

Labor for Occupational Safety and Health, as the case may be. Whenever, as provided in section 107(d)(2), a contractor requests termination of debarment before the end of the 3-year period prescribed in that section, the request shall be filed in writing with the Assistant Secretary of Labor for Occupational Safety and Health who shall publish a notice in the FEDERAL REG-ISTER that the request has been received and afford interested persons an opportunity to be heard upon the request, and thereafter the provisions of part 6 of this title shall apply with respect to prehearing conferences, hearings and related matters, and decisions and orders.

## §1926.5 OMB control numbers under the Paperwork Reduction Act.

The following sections or paragraphs each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.

1926.50     1218-0093       1926.52     1218-0103       1926.53     1218-0103       1926.60     1218-018       1926.62     1218-018       1926.64     1218-020       1926.05     1218-020       1926.00     1218-03       1926.200     1218-03       1926.251     1218-03       1926.403     1218-03       1926.404     1218-013       1926.405     1218-013       1926.406     1218-013       1926.407     1218-013       1926.408     1218-013       1926.409     1218-013       1926.500     1218-013       1926.501     1218-013       1926.405     1218-013       1926.405     1218-013       1926.407     1218-013       1926.502     1218-013       1926.502     1218-019       1926.503     1218-019       1926.50(a)(1)     1218-011       1926.550(a)(2)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)	29 CFR citation	OMB con- trol No.
1926.52     1218-0048       1926.59     1218-0172       1926.60     1218-0183       1926.62     1218-0183       1926.65     1218-0202       1926.103     1218-0193       1926.250     1218-0393       1926.251     1218-033       1926.403     1218-033       1926.404     1218-0133       1926.405     1218-0133       1926.406     1218-0133       1926.407     1218-0133       1926.408     1218-013       1926.500     1218-013       1926.501     1218-013       1926.404     1218-013       1926.405     1218-013       1926.500     1218-013       1926.501     1218-013       1926.502     1218-013       1926.503     1218-019       1926.503     1218-019       1926.550(a)(1)     1218-011       1926.550(a)(2)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)     1218-011 <td< td=""><td></td><td>1218-0065</td></td<>		1218-0065
1926.53     1218-0103       1926.59     1218-0178       1926.60     1218-0189       1926.62     1218-0189       1926.64     1218-0202       1926.65     1218-0202       1926.200     1218-0139       1926.250     1218-0093       1926.251     1218-0233       1926.403     1218-0130       1926.405     1218-0130       1926.407     1218-0130       1926.407     1218-0130       1926.408     1218-0130       1926.502     1218-0139       1926.503     1218-0197       1926.550(a)(1)     1218-0197       1926.550(a)(2)     1218-0119       1926.550(a)(4)     1218-0119       1926.550(a)(4)     1218-0111       1926.550(a)(1)     1218-0111       1926.550(a)(1)     1218-0114       1926.550(a)(1)     1218-0115       1926.550(a)(1)     1218-0116       1926.550(a)(1)     1218-0118       1926.550(a)(1)     1218-0118       1926.550(a)(1)     1218-0118       1926.550(a)(1)	1926.50	1218-0093
1926.59     1218-0072       1926.60     1218-018       1926.62     1218-018       1926.65     1218-020       1926.65     1218-020       1926.00     1218-039       1926.250     1218-039       1926.251     1218-039       1926.403     1218-013       1926.405     1218-013       1926.407     1218-013       1926.408     1218-013       1926.409     1218-013       1926.409     1218-013       1926.500     1218-013       1926.501     1218-013       1926.502     1218-013       1926.503     1218-019       1926.550(a)(1)     1218-019       1926.550(a)(1)     1218-011       1926.550(a)(2)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(b)(2)     1218-011       1926.550(b)(2)     1218-015       1926.550(b)(2)     1218-015       1926.550(b)(2)     1218-015	1926.52	1218-0048
1926.60     1218-0183       1926.62     1218-0184       1926.64     1218-0202       1926.65     1218-0202       1926.103     1218-0132       1926.250     1218-0133       1926.251     1218-0133       1926.403     1218-0133       1926.405     1218-0133       1926.406     1218-0133       1926.407     1218-013       1926.408     1218-013       1926.502     1218-019       1926.503     1218-019       1926.550(a)(1)     1218-019       1926.550(a)(1)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)	1926.53	1218-0103
1926.62     1218-0189       1926.64     1218-0200       1926.65     1218-0202       1926.103     1218-0099       1926.200     1218-013       1926.250     1218-0093       1926.251     1218-0093       1926.403     1218-0130       1926.405     1218-0130       1926.407     1218-0130       1926.408     1218-0130       1926.502     1218-0199       1926.503     1218-0199       1926.550(a)(1)     1218-019       1926.550(a)(2)     1218-0119       1926.550(a)(4)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(	1926.59	1218-0072
1926.64     1218-0200       1926.65     1218-0200       1926.103     1218-0099       1926.200     1218-0132       1926.250     1218-0039       1926.251     1218-0233       1926.403     1218-0130       1926.404     1218-0130       1926.405     1218-0130       1926.407     1218-0130       1926.408     1218-0131       1926.502     1218-0197       1926.503     1218-0197       1926.5040(1)     1218-0197       1926.550(a)(1)     1218-0119       1926.550(a)(2)     1218-0111       1926.550(a)(4)     1218-0111       1926.550(a)(1)     1218-0111       1926.550(a)(1)     1218-0111       1926.550(a)(1)     1218-0111       1926.550(b)(2)     1218-0111       1926.550(b)(2)     1218-0115       1926.550(b)(2)     1218-0115       1926.550(a)     1218-0115       1926.550(b)(2)     1218-0123       1926.652     1218-013       1926.652     1218-013       1926.803	1926.60	1218-0183
1926.65     1218-0202       1926.103     1218-0093       1926.200     1218-0133       1926.250     1218-0093       1926.251     1218-0133       1926.403     1218-0133       1926.405     1218-0133       1926.405     1218-013       1926.408     1218-013       1926.43(a)(2)     1218-013       1926.502     1218-019       1926.503     1218-019       1926.550(a)(1)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-015       1926.550(a)(1)     1218-015       1926.550(a)(1)     1218-015       1926.50(a)(1)     1218-015       1926.5	1926.62	1218-0189
1926.103     1218-0098       1926.200     1218-013       1926.250     1218-0093       1926.251     1218-0233       1926.403     1218-0130       1926.405     1218-0130       1926.407     1218-0130       1926.408     1218-0133       1926.502     1218-0199       1926.503     1218-0199       1926.550(a)(1)     1218-0119       1926.550(a)(2)     1218-0119       1926.550(a)(4)     1218-0111       1926.550(a)(4)     1218-0115       1926.550(a)(1)     1218-0116       1926.550(a)(1)     1218-0116       1926.550(a)(1)     1218-0118       1926.550(a)(1)     1218-0118       1926.550(a)(1)     1218-0118       1926.550(a)(1)     1218-0118       1926.550(a)(1)     1218-0118       1926.550(b)(2)     1218-0119       1926.550(b)(2)     1218-0119       1926.550(a)     1218-0119       1926.652     1218-013       1926.803     1218-006       1926.900     1218-006       19	1926.64	1218-0200
1926.200	1926.65	1218-0202
1926.250     1218-0093       1926.251     1218-0233       1926.403     1218-0130       1926.404     1218-0130       1926.405     1218-0130       1926.407     1218-0130       1926.438     1218-0131       1926.453(a)(2)     1218-019       1926.502     1218-019       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-015       1926.550(a)(1)     1218-015       1926.550(a)(1)     1218-015       1926.550(a)(1)     1218-015       1926.550(b)(2)     1218-015       1926.550(b)(2)     1218-015       1926.550(a)     1218-015       1926.652     1218-023       1926.652     1218-023       1926.703     1218-039       1926.8	1926.103	1218-0099
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1926.403     1218-0130       1926.404     1218-0131       1926.405     1218-0130       1926.407     1218-0130       1926.408     1218-0131       1926.453(a)(2)     1218-0121       1926.502     1218-0197       1926.503     1218-0119       1926.550(a)(1)     1218-0118       1926.550(a)(2)     1218-0118       1926.550(a)(4)     1218-0118       1926.550(a)(6)     1218-0114       1926.550(a)(1)     1218-0114       1926.550(a)(1)     1218-0115       1926.550(b)(2)     1218-0116       1926.550(b)(2)     1218-0118       1926.550(b)(2)     1218-0119       1926.550(a)     1218-0119       1926.550(a)     1218-013       1926.652     1218-023       1926.803     1218-006       1926.803     1218-006       1926.900     1218-002       1926.903     1218-002       1926.1080     1218-006	1926.250	1218-0093
1926.404     1218-0130       1926.405     1218-0131       1926.407     1218-0130       1926.408     1218-0130       1926.453(a)(2)     1218-021       1926.502     1218-0197       1926.503     1218-0197       1926.550(a)(1)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(4)     1218-011       1926.550(a)(6)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(a)(1)     1218-011       1926.550(b)(2)     1218-011       1926.550(b)(2)     1218-011       1926.550(b)(2)     1218-011       1926.550(a)     1218-013       1926.50     1218-023       1926.652     1218-013       1926.703     1218-006       1926.803     1218-006       1926.900     1218-006       1926.903     1218-006       1926.1080     1218-006	1926.251	1218-0233
1926.405	1926.403	1218-0130
1926.407	1926.404	1218-0130
1926.408     1218-0130       1926.453(a)(2)     1218-0216       1926.502     1218-0197       1926.503     1218-0119       1926.550(a)(1)     1218-0115       1926.550(a)(2)     1218-0115       1926.550(a)(6)     1218-0115       1926.550(a)(6)     1218-0115       1926.550(a)(6)     1218-0115       1926.550(a)(11)     1218-015       1926.550(a)(16)     1218-015       1926.550(b)(2)     1218-015       1926.550(2)     1218-015       1926.550(2)     1218-023       1926.650     1218-015       1926.703     1218-023       1926.803     1218-0067       1926.900     1218-0067       1926.903     1218-0227       1926.1080     1218-0068	1926.405	1218-0130
1926 453(a)(2) 1218-0216   1926.502 1218-0197   1926.503 1218-0197   1926.550(a)(1) 1218-0115   1926.550(a)(2) 1218-0116   1926.550(a)(4) 1218-0116   1926.550(a)(1) 1218-0113   1926.550(a)(1) 1218-0113   1926.550(a)(1) 1218-0146   1926.550(a)(1) 1218-0146   1926.550(b)(2) 1218-013   1926.550(g) 1218-013   1926.550(g) 1218-023   1926.652 1218-023   1926.703 1218-003   1926.803 1218-0067   1926.900 1218-0067   1926.903 1218-0023   1926.1080 1218-0068		1218-0130
1926.502 1218-0197   1926.503 1218-0197   1926.550(a)(1) 1218-0115   1926.550(a)(2) 1218-0115   1926.550(a)(4) 1218-0115   1926.550(a)(6) 1218-0115   1926.550(a)(11) 1218-0115   1926.550(b)(2) 1218-0115   1926.550(b)(2) 1218-023   1926.550(a) 1218-0115   1926.550(a) 1218-013   1926.652 1218-013   1926.703 1218-003   1926.800 1218-006   1926.900 1218-006   1926.900 1218-022   1926.1080 1218-002		1218-0130
1926.503     1218-0197       1926.550(a)(1)     1218-0118       1926.550(a)(2)     1218-0118       1926.550(a)(4)     1218-0118       1926.550(a)(6)     1218-0119       1926.550(a)(11)     1218-0118       1926.550(a)(16)     1218-0118       1926.550(b)(2)     1218-013       1926.550(b)(2)     1218-015       1926.552     1218-013       1926.703     1218-013       1926.800     1218-0067       1926.803     1218-0067       1926.900     1218-0067       1926.903     1218-023       1926.1080     1218-0062	1926.453(a)(2)	1218-0216
1926.550(a)(1) 1218-0115   1926.550(a)(2) 1218-0116   1926.550(a)(4) 1218-0115   1926.550(a)(6) 1218-0113   1926.550(a)(11) 1218-015   1926.550(a)(16) 1218-0115   1926.550(b)(2) 1218-013   1926.550(g) 1218-013   1926.552 1218-023   1926.652 1218-013   1926.703 1218-006   1926.803 1218-006   1926.900 1218-006   1926.903 1218-022   1926.1080 1218-022	1926.502	1218-0197
1926.550(a)(2) 1218-0115   1926.550(a)(4) 1218-0115   1926.550(a)(6) 1218-0115   1926.550(a)(11) 1218-0054   1926.550(a)(16) 1218-015   1926.550(b)(2) 1218-013   1926.550(g) 1218-015   1926.552 1218-023   1926.552 1218-03   1926.703 1218-095   1926.800 1218-006   1926.803 1218-006   1926.900 1218-027   1926.903 1218-0227   1926.1080 1218-0068	1926.503	1218-0197
1926.550(a)(4)     1218-0115       1926.550(a)(6)     1218-0115       1926.550(a)(11)     1218-0154       1926.550(a)(16)     1218-0124       1926.550(b)(2)     1218-023       1926.550(g)     1218-015       1926.552     1218-023       1926.652     1218-031       1926.703     1218-006       1926.800     1218-006       1926.900     1218-0067       1926.900     1218-027       1926.903     1218-027       1926.1080     1218-0067	1926.550(a)(1)	1218-0115
1926.550(a)(6)     1218-0113       1926.550(a)(11)     1218-0014       1926.550(a)(16)     1218-0115       1926.550(b)(2)     1218-013       1926.550(g)     1218-015       1926.552     1218-023       1926.652     1218-0137       1926.703     1218-0067       1926.800     1218-0067       1926.900     1218-0067       1926.900     1218-007       1926.900     1218-0067       1926.900     1218-0067       1926.900     1218-0067       1926.003     1218-0022       1926.1080     1218-0068	1926.550(a)(2)	1218-0115
1926.550(a)(11) 1218-0054   1926.550(a)(16) 1218-0115   1926.550(b)(2) 1218-0151   1926.550(g) 1218-0151   1926.552 1218-0231   1926.652 1218-0391   1926.003 1218-0091   1926.803 1218-0067   1926.900 1218-0067   1926.903 1218-027   1926.1080 1218-027   1926.1080 1218-028		1218-0115
1926.550(a)(16) 1218-0115   1926.550(b)(2) 1218-023   1926.550(g) 1218-0151   1926.552 1218-0231   1926.652 1218-031   1926.703 1218-0095   1926.800 1218-0067   1926.900 1218-0067   1926.900 1218-027   1926.900 1218-027   1926.903 1218-027   1926.1080 1218-0060	1926.550(a)(6)	1218-0113
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1926.550(g) 1218-0151   1926.552 1218-0231   1926.652 1218-0137   1926.703 1218-0095   1926.800 1218-0067   1926.803 1218-0067   1926.900 1218-0217   1926.1080 1218-0217   1926.1080 1218-0227   1926.1080 1218-0068	1926.550(a)(16)	1218-0115
1926.552 1218-0231   1926.652 1218-0137   1926.703 1218-0099   1926.800 1218-0067   1926.803 1218-0067   1926.900 1218-027   1926.903 1218-027   1926.1080 1218-027	1926.550(b)(2)	1218-0232
1926.652 1218-0137   1926.703 1218-0087   1926.800 1218-0067   1926.803 1218-0067   1926.900 1218-027   1926.903 1218-027   1926.1080 1218-0068	1926.550(g)	1218-0151
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1926.800 1218-0067   1926.803 1218-0087   1926.900 1218-0217   1926.903 1218-0227   1926.1080 1218-0068	1926.652	1218-0137
1926.803 1218-0067   1926.900 1218-0217   1926.903 1218-0227   1926.1080 1218-0068	1926.703	1218-0095
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	1926.1081	1218-0069

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29 CFR citation	OMB con- trol No.
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1926.1090	1218-0069
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1926.1101	1218-0134
1926.1103	1218-0085
1926.1104	1218-0084
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1926.1115	1218-0044
1926.1116	1218-0081
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1926.1129	1218-0128
1926.1144	1218-0101
1926.1145	1218-0126
1926.1147	1218-0108
1926.1148	1218-0145

[61 FR 5509, Feb. 13, 1996, as amended at 63 FR 3814, Jan. 27, 1998; 63 FR 13340, Mar. 19, 1998; 63 FR 17094, Apr. 8, 1998; 64 FR 18810, Apr. 16, 1999]

# Subpart B—General Interpretations

AUTHORITY: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333).

### $\S 1926.10$ Scope of subpart.

(a) This subpart contains the general rules of the Secretary of Labor interpreting and applying the construction safety and health provisions of section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96). Section 107 requires as a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), and which is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation.

### § 1926.11 Coverage under section 103 of the act distinguished.

(a) Coverage under section 103. It is important to note that the coverage of section 107 differs from that for the overtime requirements of the Contract Work Hours and Safety Standards Act. The application of the overtime requirements is governed by section 103, which subject to specific exemptions, includes: (1) Federal contracts requiring or involving the employment of laborers or mechanics (thus including, but not limited to, contracts for construction), and (2) contracts assisted in whole or in part by Federal loans, grants, or guarantees under any statute "providing wage standards for such work." The statutes "providing wage standards for such work" include statutes for construction which require the payment of minimum wages in accordance with prevailing wage findings by the Secretary of Labor in accordance with the Davis-Bacon Act. A provision to section 103 excludes from the overtime requirements work where the Federal assistance is only in the form of a loan guarantee or insurance.

(b) Coverage under section 107. To be covered by section 107 of the Contract Work Hours and Safety Standards Act, a contract must be one which (1) is entered into under a statute that is subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267); and (2) is for "construction, alteration, and/or repair, including painting and decorating."

# §1926.12 Reorganization Plan No. 14 of 1950.

(a) General provisions. Reorganization Plan No. 14 of 1950 relates to the prescribing by the Secretary of Labor of 'appropriate standards, regulations, and procedures" with respect to the enforcement of labor standards under Federal and federally assisted contracts which are subject to various statutes subject to the Plan. The rules of the Secretary of Labor implementing the Plan are published in part 5 of this title. Briefly, the statutes subject to the Plan include the Davis-Bacon Act, including its extension to Federal-aid highway legislation subject to 23 U.S.C. 113, and other statutes subject to the Plan by its original terms, statutes by which the Plan is expressly